

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3727 OF 2016

Vijay Baldev Bajaj.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. A. Kumbhakoni, Senior Advocate with Mr. S. S. Kanetkar for the
Petitioner.

Mr. K. V. Saste, AGP for the State.

Mr. C. M. Lokesh for Respondent No. 2.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **October 26, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this writ petition filed under Article 226 of the Constitution of India read with provisions of sections 482 of the Code of Criminal Procedure, 1973, the Petitioner is seeking quashment of FIR bearing No.I-340/2016 registered with Koparkhairane Police Station, Navi Mumbai on 23rd August 2016 for the offence punishable under sections 420, 467 and 468 read with 34 of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No. 2.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation with the help and

intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement. Pursuant to the same, present petition is filed for quashing the above FIR by consent of Respondent No. 2.

3. Affidavit dated 26th October 2016 has been filed by Respondent No. 2. In paragraph 3 of the said affidavit, he has stated that he is withdrawing all the allegations made against the Petitioner in the said FIR and that he has no objection for quashing the proceedings of the subject FIR registered at his instance.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question initiated by him against the Petitioner for the offence punishable under sections 420, 467, 469 read with 34 of the Indian Penal Code, 1860.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it

transpires that the allegations are totally personal in nature. There is no element of public law involved. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, petition is made absolute in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner with the cost of Rs.25,000/-, which shall be paid to “Tata Memorial Hospital” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court

within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police shall proceed against the Petitioner in accordance with law.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]